



Flathead Conservation District
133 Interstate Lane, Kalispell, MT 59901
www.flatheadcd.org 406-752-4220

CALL TO ORDER & ATTENDANCE

Chair Ronald Buentemeier called the September 24, 2018, business meeting to order at 7:00 P.M. in the conference room.

Board members present:

Ronald Buentemeier, Chairman; Pete Woll, Vice Chairman; Dean Sirucek, Secretary/Treasurer; Mark Siderius, Supervisor; Verdell Jackson, Supervisor; Lori Curtis, Supervisor, being a quorum of the Board.

Board members absent: John Ellis, Supervisor. Absence is excused.

Also in attendance were: Dan Brosten, Associate Supervisor; Valerie Kurth, Hailey Graf and Ginger Kauffman, FCD staff; Dick Zoellner; Monteen Feldt; Brian Averill; Sean Johnson, NRCS.

MINUTES

Two spelling corrections were made on page 5. Mark Siderius motioned “to approve the minutes of the September 10, 2018 310-Stream Permit meeting as amended.” Verdell Jackson seconded. Motion carried unanimously.

CORRESPONDENCE

1. Facebook: See posts and photos for:
Flathead CD with the Rolling Rivers Trailer at the 2018 NW Montana Fair
<https://www.facebook.com/FlatheadConservationDistrict>
Flathead CD with the Rolling Rivers Trailer at the Creston National Fish Hatchery
<https://www.facebook.com/CrestonNFH>
 2. Email: Army Corps of Engineers (ACOE) public notice
<http://www.nwo.usace.army.mil/Media/Public-Notices/Article/1623088/nwo-2011-01760-mtm/>
The purpose of the proposed wetland mitigation project is to offset permitted impacts to riparian wetlands along the main stem and Middle Fork of the Flathead River by providing provide 4.26 functional units of ecological lift and 0.575 acre of wetland credit. The proposed riparian habitat enhancement project will replace lost riparian wetland functions and services that occurred as a result of Department of the Army (DA) permits issued in 2017 and 2018. Comments are due 10/8/18.
 3. Email: DNRC updates:
*** 310 funding partially restored, 223 program funding increased:** The Conservation Districts Bureau received funding to partially restore conservation district programs cut during the last legislative session. Two weeks ago, the
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Resource Conservation Advisory Council prioritized the 310 administration program and the 223 grant program to receive the additional funding. Conservation district's should discuss this at a board meeting, and if funds are needed, send an e-mail stating that your conservation district has a need for the funds and why to Karl Christians kchristians@mt.gov by October 19th.

* 223 Grant deadline October 25th.

*Aquatic Invasive Species Grant applications due 12/3/2018. Contact Heidi Anderson Fohnagy 406-444-6691 hfohnagy@mt.gov

4. Email: National Association of Conservation District (NACD) publications
NACD eResource, Conservation Clips, Forestry Notes
www.nacdnet.org
5. Email: Montana Watershed Coordination Council newsletter *Watershed News*
<https://mtwatersheds.org>
6. Email: MACD 2108 Convention, November 13-15, Billings. For agenda, registration and Vendor or Sponsorship information go to <https://convention.macdnet.org>
7. Email: Granite Headwaters Watershed Group is co-hosting a Bear Aware Educational Workshop, Wednesday, September 19, 7:00 PM, Granite County Museum, 135 South Sansome St., Philipsburg. Contact Karen Petersen, Granite CD 406-859-3291, Ext. 101.
8. Email: Mineral County CD is hosting a Supervisor Training, October 16, 10AM – 2PM, Superior. Cost is \$10 to cover lunch. Contact Charlee Thompson, Mineral County CD mccd54@icloud.com, 406-822-3452.
9. Email: Grant Applications for irrigation projects that address flood damage during 2018 will be accepted after September 16 and awarded on a first-come, first-served basis until Friday October 5. Projects must address impacts from recently flooding and benefit irrigated agriculture. To apply, go to <https://fundingmt.org>
For additional information, contact: Ann L Kulczyk, 406-228-4129, akulczyk@mt.gov
10. Email: Lake CD and NRCS are sponsoring the 2018 Electric Fencing Workshop, Thursday, October 4, 2:00 P.M. – 5:00 P.M., Crow Creek Ranch, corner of Rocky Butte Road & Duck Road (e miles north of Charlo). FREE with a free cookout immediately following the event! The workshop focuses on permanent electric fencing and will highlight design and construction tips . Register at lakecountycd@ronan.net or contact Heidi 406-676-2841 Ext 102 or Ben at Ext. 111.
10. Email: Soil & Water Conservation Districts of Montana (SWCD) publication *The Montana Conservationist* <http://swcdm.org>

FINANCIAL

The following bills were reviewed:

1. CenturyLink \$276.41
2. Summit Ranch Inc. \$1,533.15
3. VISA \$1640.39

Mark Siderius motioned “to approve the bills as presented.” Verdell Jackson seconded. Motion carried unanimously.



PUBLIC COMMENT

Dick Zoellner, Whitefish, voiced concerns regarding cattle that are in Haskill Creek near Voerman Road. He stated he had called the district office and was informed that he had to file a written complaint for the district to take action. He did not want to file a written complaint as he is a neighbor and noted anyone could stand on the road and see the cattle defecating in the stream. Mr. Zoellner asked why the board didn't have the power to go out there and do something about it. Ronald Buentemeier replied that the district is aware of the problem.

Ronald read a section of MCA 75-7-103, which included (5)(a), the definition of a project , a physical alteration or modification that results in a change in the state of a natural, perennial-flowing stream or river, or its immediate banks; and (b) Project does not include: (iii) livestock grazing activities.

Mr. Zoellner asked if the district handles stream permitting. Ronald stated yes, but the district does not have authority over livestock grazing activities. Mr. Zoellner asked if the district has authority over cattle going into the stream. Ronald replied no. Mr. Zoellner asked who would be able to help him with this issue. Lori Curtis suggested that the Department of Environmental Quality (DEQ) may have authority. Mr. Zoellner asked for clarification about not needing a permit to have cattle in a stream. Ronald explained that we encourage landowners to follow best management practices, and we have funds to help landowners install stock watering sites, cattle watering ramps and fencing. He added that this particular situation is particularly difficult for the District because we helped the previous landowner, Bill Voerman, implement the original riparian fencing and restoration work. Bill was encouraged by his daughter, Holly, to fence the riparian area to improve the water quality. He approached FCD for help, and the District received several grants from DEQ for the project. It is disappointing that the current landowner removed the riparian fencing. A 310 complaint had already been filed for this issue. Mr. Zoellner thanked the board for their time.

310

Averill, FL2018055, Viking Creek, sediment removal: Lori Curtis explained that the application is to clear sediment and debris from around a culvert, and she reviewed consideration in the Team Member Report. Lori Curtis motioned "to approve the application with modifications." Mark Siderius seconded. Motion carried unanimously. Lori Curtis motioned "to waive the 15-day waiting period." Mark Siderius seconded. Motion carried unanimously.

Brosten, FL2018035E, Flathead River, notice of emergency: Pete Woll motioned "to approve the notice of emergency. This will be satisfied by additional work approved under permit #FL2018015." Mark Siderius seconded. Motion carried unanimously.

Dunnagan/LEC, FL2018050, Tobie Creek, utilities: Verdell Jackson explained the application is to put in electricity to a new home, and he showed the onsite photos. Verdell stated that there were no defined banks, and he would not have known that water ran through the area from viewing the site. Ronald Buentemeier asked if they found an old channel. Verdell replied



no, but a hole had been dug and connected to a pipe that had possibly been used to water livestock. Water does flow through occasionally, but no water was evident during the onsite. Verdell Jackson motioned “this is not a project under our jurisdiction.” Dean Sirucek seconded. Motion carried unanimously.

Garner, FL2018042, Krause Creek, culvert: Pete Woll motioned “to approve the phone poll to waive the 15-day waiting period.” Lori Curtis seconded. Motion carried unanimously.

J&J Ranch/Shockey, FL2018057C, Haskill Creek, complaint: Lori Curtis stated this is the cattle in the stream complaint. Lori Curtis motioned “based on our rules this is not a project.”

Pete Woll asked if the standard complaint letter was sent. Lori replied no. Pete stated even though it may not be within our rules, we should send the standard complaint letter and follow our normal procedure, and then make a decision at the end.

Ronald Buentemeier stated that the law does not give us authority over livestock grazing activities. Pete responded that we still have to go through the normal complaint procedure. Discussion followed about whether or not the District had to follow its complaint process for livestock in a stream. Laurie Zeller, DNRC, had advised Ronald that it was not necessary since livestock in a stream did not meet the definition of a project, but Pete thought we should follow the process to be consistent with other complaints. Mark Siderius brought up two recent complaints where we followed the process despite knowledge that they probably were not violations. Ronald responded that neither of those involved cattle.

Pete and Lori Curtis stated that if an onsite inspection were done, it could prove to be an educational outreach opportunity with the landowner, and perhaps it would lead to the landowner putting the fence back. Mark agreed and reiterated that we have always sent the complaint letter even when we have knowledge of the situation in advance. Verdell Jackson added that the letter also gives the person knowledge that their activities are not satisfactory to everyone.

Mark requested to hear what the complaint alleged. Valerie Kurth read the complaint - “the current owner removed the fence protecting the creek and just turned cattle loose. The creek is completely unprotected. See attachment. On observation today, September 9, 2018, the owner has upwards of 100 head of cattle on the parcel on which the former fence was removed and all of the cattle have open access to Haskill Creek for several hundred yards. The parcel has been hayed and the greatest vegetation remaining on the parcel is the strip of vegetation along the creek that was formerly protected by the fence that was removed. The cattle won’t waste any time feeding on that vegetation which will introduce them to the creek. The cattle also have open access to the wetlands on the west boundary of the same parcel. The wetlands there are the former route of Haskill Creek before it was diverted to its current location. The photos attached to the email that accompany this complaint were taken on September 9, 2018. The complainant is not sure whether or not it is illegal to remove the fence and graze the cattle in the creek, but it is certainly unwise and will reverse the work that the former landowner, the Flathead Conservation District and the Haskill Basin Watershed Council have done to protect the creek and lessen nutrient loading and siltation.”



Further discussion ensued about the District doing its due diligence and providing an opportunity to educate the landowner. Ronald expressed concerns about the letter telling the landowner they are violating the law. Mark and Pete responded that the letter only states that a complaint has been filed and provides a copy of it. It opens up an opportunity to discuss the 310 law with the landowner, and, even if it is not a violation, the District can have an in-person discussion with the landowner about riparian areas and water quality.

Ronald stated that he did agree because having livestock in a stream is not against the law, and we can still send a letter to the landowner explaining the situation and the law. Pete said that even if we do not have authority, we need to acknowledge the complainant. Mark added that if he were the landowner, he would want to know about the complaint. Lori asked if both the landowner and the complainant receive letters notifying them of the outcome of the process, and Mark replied that we send letters to both parties. Lori stated that she thought we could conduct the process as normal, which would alleviate Pete's legal concerns, but without putting the District at risk, which is Ron's concern.

Lori withdrew the first motion. Lori Curtis motioned "to send the standard complaint letter." Pete Woll seconded. Motion carried. Both Lori and Ronald will review the letter before it is sent.

Mark stated that a complaint was filed last year against the same landowner for putting a fence over the stream. Ronald and Lori clarified that the location was different – it was on Edgewood Drive. Mark asked if these complaints were indicative of a neighbor dispute. Ron explained that many of the neighbors are unhappy with some of the current landowners' activities, which have increased the amount of traffic in the area. Pete asked if this is the same situation that Dick Zoellner spoke about during public comment. Lori replied yes. Discussion followed about FCD's involvement in the project when it was owned by the Voerman's and the life expectancy requirements of projects funded by various agencies.

Jacobson, FL2018058, Whale Creek, bank stabilization/debris removal: Ronald Buentemeier explained that the streambank had eroded during spring runoff, and several trees fell into the stream. The landowner wants to remove the trees from the stream, and place rock in two places on the bank. The fence is already overhanging the creek because of the bank erosion. Ronald and Kenny Breidinger decided they did not need to inspect the site again since they had been there several times recently. Ronald reviewed the considerations in the Team Member Report.

Ronald Buentemeier motioned "to approve the application with modifications." Lori Curtis seconded. Motion carried unanimously.



NEW BUSINESS

Education Grants: Hailey Graf stated that only one education grant application was received during last year's regular grant cycle. She spoke with teachers and educators about why the program is not being utilized by more educators. The current application deadline is in June, and, while it is appropriate for the fiscal year, it falls during end of year exams or graduation. Teachers do most of their lesson planning in the fall and winter. Creating a rolling deadline would allow teachers to finalize lesson plans earlier and complete the projects in the same school year. Making this concession to the school calendar would increase interest in the program and diversify the types of applications we receive. Hailey suggested modifying the application deadline to be a rolling deadline, similar to the cost-share program. If we are overwhelmed by applications we can adjust the program to have a priority deadline in December and a final deadline in May.

Lori Curtis motioned "to change the Education Grant Program deadline to a rolling deadline." Mark Siderius seconded. Motion carried unanimously.

310 Letter:

The board reviewed a draft 310 permit notification letter to Northern Pines Golf Course. Ronald Buentemeier asked if John Ellis was submitting a complaint against Northern Pines Golf Course. Valerie Kurth explained that John Ellis asked that we send a letter stating they may be in violation of the 310-law. Valerie stated she had sent John a template of a letter the district used in a similar situation, and he modified it. Dean Sirucek, Donald MacIntyre and Laurie Zeller all reviewed and approved the letter. Ronald asked about why this was being sent anonymously when someone had to have seen the site, and Pete agreed that it was inconsistent with the complaint process. Dean said he golfs there and is familiar with the site. He thought the work on the cart path that had already been done would fall under 310 jurisdiction. Ronald told the board that he and Verdell Jackson visited the site last spring because a tree was falling into the river, and it could have been addressed at that time. Dean explained that the area John is concerned about is 300-400 yards downstream of the tree. Verdell asked why the golf course didn't remove the tree. Dean stated that he had talked with the manager last spring, but they did not want to spend any money on it and thought the county or state should take care of it. Dean told him they were incurring more liability for the golf course by letting it get worse, but the manager did not agree. Mark stated that he agreed with Ronald and Pete that we cannot send a letter without a complaint. Lori Curtis suggested we ask John if he wants to submit a written complaint or find someone who will. Valerie asked if supervisors could file complaints. Mark stated yes, they can, as can Fish Wildlife & Parks, and they have done so in the past. Ronald suggested tabling the letter for further discussion when John is here. Mark stated if there was already work done, it should be evaluated to determine if additional work is needed or if an after-the-fact application needs to be submitted. Ronald stated the letter insinuates that work has already been done on the path, and he wondered if the path is within a reasonable distance from the stream. Dean explained that the path was torn up and leveled with gravel. He drew a diagram on the whiteboard that showed the path the within 20 feet of the top of the bank, and said that he believed the work was under 310 jurisdiction

Pete Woll motioned "to table the 310 letter discussion until the next business meeting." Dean Sirucek seconded. Motion carried unanimously.



Staff Training: Valerie Kurth explained there are two courses offered by Flathead Valley Community College Continuing Education Program that Hailey Graf is interested in attending: *Driving Traffic to Your Website*: November 19 & 26, 6-8 pm, \$65; and *Make Your Website Findable*: December 5, 1-4 pm, \$49. Valerie noted that Hailey has done extensive work on the district website and the classes would help her in her job position.

Mark Siderius motioned “to approve the two staff trainings.” Lori Curtis seconded. Motion carried unanimously.

Data Security & Backup Proposal: Valerie Kurth explained that currently we have a traditional method of automatically backing up the computers and data to an external hard drive. Data can be retrieved off of the external hard drive if something happens to the computers; however, it does not protect the district from theft or a data breach/hacking. She consulted with CenturyLink, MontanaSky and Byte Savvy. Dick Buchanan, Byte Savvy, is our IT person, he suggested several possible strategies. Valerie reviewed the strategies, talked about current problems, and reviewed the pros and cons of each strategy. She recommended switching to Office 365 because of its numerous advantages over our current system. She noted that \$5000 has been budgeted for computer technical assistance and programs, but last year we only used \$2239. Supervisors agreed it is a good idea to have Dick help, and Valerie noted Hailey Graf is very proficient with computers. Lori Curtis emphasized the importance of understanding what we own or don’t own with 365, so if work is ported to another computer there are no problems with software licenses. She agreed that it was a good method of protecting our data and work.

Lori Curtis motioned “to approve moving to server based Office 365 for the software and backup capability.” Mark Siderius seconded. Motion carried unanimously.

Pollinator Proposal: Hailey Graf reviewed the input of the board from the last business meeting: they had preferred the slower timeline and wanted to have a long-term agreement with the landlord and more detail about project design and budget. Hailey explained that she has talked with Tim Birk regarding a long-term lease, but that he is currently out of the area and was not able to meet with her. He remains excited about the project and offered his time and equipment to help. Montana Conservation Corp (MCC) would also like to provide staff and volunteers to help with labor/planting.

Hailey explained that she thought the best course of action was to enlist professional help for a garden design. She researched organizations in the valley that do this type of work and then contacted Forestration because they specialize in public use/outdoor education centers. Forestration is willing to provide a full design packet, schematics, elevations, and planting list for \$2,000-\$2,500. They would assemble a design concept packet to help develop partnerships with other organizations. Hailey presented several example packets to the board. They would also oversee implementation and construction of the project.

Hailey offered many reasons why investing in a professional design made sense at this time: this would help ensure that we are pursuing the right location for the project, and, if it proves unsuitable, the concepts could be applied to a different property. It will also ensure



that we are using funds wisely as we move towards implementation. A good, professional design will promote long-term project success and transparency.

The board discussed the parameters that should be given to Forestration, including the project dimensions, allowable cost, and proportion of land to be irrigated. Ronald Buentemeier asked if zoning had been researched and if this was an acceptable use for this property. Hailey stated yes, it is an acceptable use. Lori cautioned Hailey to either test the soil in the lot or budget for soil to be brought in by a contractor. Hailey said that Badger Excavation had already offered to donate topsoil.

Dean asked if the board could review the plan before finalizing. Hailey explained that within the given budget, Forestration will arrange up to three meetings and several site visits. Lori stated that she thought getting a professional design for \$2,500 was a really good deal, and suggested FCD require the designer to attend a board meeting.

Lori Curtis motioned “to approve moving forward with the pollinator garden by engaging Forestation for up to \$2500.” Mark Siderius seconded. Motion carried unanimously.

End of Month Budget Report: The August End of Month budget report was reviewed. Mark Siderius motioned “to approve the August End of Month budget report.” Pete Woll seconded. Motion carried unanimously.

REPORTS

Flathead CD Staff: Valerie Kurth and Hailey Graf reported:

District Office and Outreach

1. Advertisements: Flathead Beacon (Seedlings, Trunk Workshop), Mountain Trader (Fall 310)
2. Hailey attended the Flathead CORE meeting on September 19th.
3. Hailey met with Kalispell Public Works and the Center for Sustainability and Entrepreneurship to discuss possible partnership opportunities and valley-wide education program development
4. Hailey and Valerie met with Constanza von derPahlen to discuss outreach strategies for landowners on Ashley Creek.
5. Valerie prepared a thank you letter for Caitlin Overland and a 310 informational letter.

310-related

Hailey added a frequently asked questions page to the 310 permit webpage. Valerie participated in site inspections for the Brosten and Motley 310s.

On-the-Ground Projects

Cow Creek –Valerie is coordinating with partners to complete the final design and initiate the permit process. She is working on the monitoring plan and permit applications, while other partners are working on the final designs, landowner agreement, and sample analysis plan. She and Samantha Tappenbeck took the baseline photos for the photo point monitoring in late August. Samantha, Valerie, and Hailey Graf visited the Barnes property with Pete Woll to discuss plans for the livestock crossing.



Landowner Programs

Cost-Shares

FY19 – We continue to get inquiries about the cost-share program, and four new applications have been received. The three weed control applications have already been approved and processed, and the fourth is for reforestation.

Valerie visited the MacFarland property to help Rheannon measure the windbreak distance and estimate the number of seedlings required. She also researched weed fabric alternatives for the windbreak.

Tris Hoffman from the Flathead National Forest helped arrange the procurement of 300 knapweed weevils from an insectary in Eureka for Georgia Hensler, who was unable to participate in the cost-share program this year. Valerie and Georgia released the weevils together in early September.

Owen Sowerwine Natural Area – Valerie has communicated with Flathead Audubon and the County Weed Department about arranging a fall herbicide application.

Seedling Program – Valerie and Hailey have started compiling orders for the DNRC Nursery. Valerie re-organized the seedling order information and trained Hailey on how to take orders.

Education and Outreach

Rolling Rivers – September 12th was the Fun Fish Fair at Creston Fish Hatchery. Hailey used the Rolling Rivers Trailer as one of the educational stations. Approximately 150 students from small, rural schools attended the event.

Website/social media

Hailey wrote several new posts for our website and Facebook page on topics including dormant seeding, storm water runoff, and preventing noxious weed spread. Website traffic included 283 individual users and the Facebook post reach was 1,746 from August 28th - September 20nd.

Samantha Tappenbeck, Soil & Water Conservation Districts of Montana (SWCDM), submitted the following report:

2019 Conservation Calendar: Request for events and topics to include
SWCDM Water Quality Mini-grants: Applications due October 12

Cow Creek Restoration Project (DEQ-319):

- In the process of finalizing: design, monitoring plan, sampling & analysis plan, landowner agreement
- Site visit
- Field day: October 3

Upcoming events:

- **Area 5 meeting:** September 25, hosted by North Powell CD in Helmville



- **Upper Columbia Conservation Commission (UC3):** September 26, Glacier National Park Community Room
- **Montana Watershed Coordination Council Symposium:** October 10-12, Whitefish Mountain Lodge

Natural Resources & Conservation Service (NRCS): Sean Johnson, NRCS, introduced himself spoke about his history and experience with NRCS, and reported:

Programs

Environmental Quality Incentives Program (EQIP)

- Sign-up deadline of October 19th
- 21 applications (Forestry, High Tunnels, Grazing, Irrigation etc.)

Conservation Stewardship Program (CSP)

- 4 contract renewals

Wetland Reserve Program (WRP)

- Area biologist completed all annual monitoring on required contracts this summer

Review Items

- All employee meeting September 11th -13th in Billings

Upcoming Items

- Lost Trail Tour with NRCS and USFWS, October 10th

Montana Association of Conservation Districts (MACD): Pete Woll reported Area meetings are currently being held. Area V meeting is this Tuesday in Helmville.

Flathead County Planning Board (FCPB): Dean Sirucek reported on September 12th the FCPB reviewed the proposed amendments to change agricultural zoning classifications and heard public testimony.

Whitefish City Planning Board (WCPB): No report.

Upper Columbia Conservation Commission (UC3): Lori Curtis reported she attended the Environmental Quality Council meeting on September 12th and presented the draft first year report. The AIS funding bill was also discussed. The next meeting is this Wednesday in Glacier National Park.

Haskill Basin Watershed Council (HBWC): The next meeting is October 4th.

Flathead Basin Commission (FBC): The next meeting is October 10th in Polson.

Flathead River Commission (FRC): No report.



Clark Fork & Kootenai River Basins Council (CFKRBC): Verdell Jackson reported CFKRBC has been negotiating their workplan with DNRC. Verdell stated that DNRC wants the councils to discontinue work on noxious weeds, limit involvement with water rights, and have DNRC staff attend and coordinate council meetings. Verdell expressed concern about DNRC leading the program and funding, but was hopeful that it would soon be worked out.

MATTERS OF THE BOARD/STAFF

- Mineral County CD is sponsoring a New Supervisor Training on October 11th.
- MACD Convention will be held in Billings, November 13-15. Any supervisors wanting to attend should contact Valerie Kurth as soon as possible so reservations can be made.

The next 310-Stream Permit meeting is scheduled for Tuesday, October 9, 2018, 7:00 P.M. in the conference room of the USDA building at 133 Interstate Lane, Kalispell, MT.

Adjournment: Lori Curtis motioned “to adjourn.” Pete Woll seconded. Motion carried unanimously. As there was no further business, the meeting was adjourned at 9:00 P.M.

Submitted By:

Ginger Kauffman
Administrator

Valerie Kurth, Ph.D.
Resource Conservationist

Minutes approved by FCD Board motion made on:

<u>10/9/2018</u>	<u>Ronald Buentemeier</u>	<u>Chair</u>
(Date)	(Signature)	(Title – Chair etc.)

